THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3629 of 1996

Date:14.11.2006

Between:

K.Narayana and another.

PETITIONERS

AND

The State of Andhra Pradesh and others.

---------RESPONDENTS

ORDER:

This writ petition is filed seeking a Mandamus declaring the order, dated 14.07.1995, passed by the second respondent, as arbitrary, illegal and contrary to G.O.Ms.No.212, dated 22.04.1994, and consequently direct the respondents to continue the petitioners in service and regularize their services with all benefits.

It is the case of the petitioners that they are working as Measuremen-cum-Weighmen in the fourth respondent-Corporation. They have completed seventeen and eight years of service respectively. Though they are called temporary, they have been discharging the duties of permanent incumbents and doing regular job on par with the other employees. Though they are fully qualified and eligible for being appointed in the post and completed seventeen and eight years service respectively, their services were not regularized. While so, the Government of Andhra Pradesh issued G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994, for regularization and absorption of daily wages/NMR or consolidated pay. As per the guidelines issued therein, persons working as on 25.11.1993 and who have completed five years of continuous service are entitled for regularization. However, the services of the petitioners were not regularized and they were removed from service with effect from 14.07.1995.

The learned counsel appearing for the respondents states that though the service rendered by the petitioners in the organization is

not denied, but their services could not be considered since they were working on daily wage basis. Therefore, the writ petition has no merits.

Having perused the material on record, I am of the view that once the petitioners, whether they were working on daily wage basis or consolidated pay or on temporary basis, have put in five years of service on or before 25.11.1993, they are entitled to consideration for regularization of their services in the vacancies as available as on the date of their termination of service i.e. on 14.07.1995. However, without examining as to the consideration of their cases for regularization, the respondents have simply dispensed with the services of the petitioners with effect from 14.07.1995, which is not in tune with the said G.O.

In view of the above, the respondents are directed to treat the very writ petition as a representation made by the petitioners and pass appropriate orders as per the guidelines laid down in the G.O.Ms.No.212, dated 22.04.1994, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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14.11.2006

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